

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FEB 25 2014

VENUE: SAN FRANCISCO

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

CR 14 103

RS

ARSHAD RAZZAK, RICHARD YICK, and
RAUL ERIC ELIAS

DEFENDANT(S).

RECEIVED

INDICTMENT

COUNT ONE: 18 U.S.C. § 241 B Conspiracy Against Civil Rights
COUNTS TWO and THREE: 18 U.S.C. § 242 and 2 – Deprivation
Rights Under Color of Law and Aiding and Abetting
COUNTS FOUR through SIX: 18 U.S.C. § 1519 B Falsification of
Record

A true bill.

[Signature]

Foreman

Filed in open court this 25 day of

Feb. 2014

[Signature]

Clerk

Bail, \$

[Signature]

*for all defendants
FEB 25, 2014
at 9:30AM*

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. § 241 - Conspiracy Against Civil Rights; 18 U.S.C.
 § 242 - Deprivation of Rights Under Color of Law; 18 U.S.C.
 § 1519 - Falsification of Record; 18 U.S.C. § 2 - Aiding and
 Abetting

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: SEE ATTACHMENT

Name of District Court, and/or Judge/Magistrate location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ARSHAD RAZZAK

DISTRICT COURT NUMBER

CR 14 103

DEFENDANT

IS NOT IN CUSTODY
 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District
☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

SHOW DOCKET NO.

☐ U.S. ATTORNEY ☐ DEFENSE☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) AUSA RODNEY C. VILLAZOR

PROCESS:☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

Bail Amount:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Feb. 28, 2014 @ 9:30 AM Before Judge: Elizabeth Laporte

Comments:

PENALTY SHEET
DEFENDANT – ARSHAD RAZZAK

18 U.S.C. § 241 - Conspiracy Against Civil Rights - 10 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

18 U.S.C. § 242 - Deprivation of Rights Under Color of Law -1 year imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

18 U.S.C. § 1519 - Falsification of Record - 20 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 241 - Conspiracy Against Civil Rights; 18 U.S.C. § 242 - Deprivation of Rights Under Color of Law; 18 U.S.C. § 1519 - Falsification of Record; 18 U.S.C. § 2 - Aiding and Abetting

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: SEE ATTACHMENT

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) AUSA RODNEY C. VILLAZOR

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

RICHARD YICK

DISTRICT COURT NUMBER

CR 14 103**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.
 1) ☒ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from ~~_____~~
COURT ORDER

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

PROCESS:

☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Feb. 28, 2014 @ 9:30 AM Before Judge: Elizabeth Laporte

Comments:

PENALTY SHEET
DEFENDANT – RICHARD YICK

18 U.S.C. § 241 - Conspiracy Against Civil Rights - 10 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

18 U.S.C. § 242 - Deprivation of Rights Under Color of Law -1 year imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

18 U.S.C. § 1519 - Falsification of Record - 20 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. § 241 - Conspiracy Against Civil Rights; 18 U.S.C.
 § 242 - Deprivation of Rights Under Color of Law; 18 U.S.C. §
 2 - Aiding and Abetting

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: SEE ATTACHMENT

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

 DEFENDANT - U.S. **RICHARD W. WIEKING**
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
RAUL ERIC ELIAS

DISTRICT COURT NUMBER

CR 14 103**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG
☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

AUSA RODNEY C. VILLAZOR**DEFENDANT****IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted
PROCESS:
☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment
Date/Time: Feb. 28, 2014 @ 9:30 AM Before Judge: Elizabeth Laporte

Comments:

PENALTY SHEET
DEFENDANT – RAUL ERIC ELIAS

18 U.S.C. § 241 - Conspiracy Against Civil Rights - 10 years imprisonment, \$250,000 fine,
3 years supervised release, \$100 special assessment

18 U.S.C. § 242 - Deprivation of Rights Under Color of Law -1 year imprisonment, \$250,000
fine, 3 years supervised release, \$100 special assessment

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

FILED

FEB 25 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

~~SEALED~~
~~BY COURT REPORTER~~

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

RS

12 SAN FRANCISCO DIVISION

CR 14 103

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ARSHAD RAZZAK, RICHARD YICK, and
17 RAUL ERIC ELIAS,

18 Defendants.

) No.

) VIOLATIONS: 18 U.S.C. § 241 - Conspiracy
) Against Civil Rights; 18 U.S.C. § 242 - Deprivation
) of Rights Under Color of Law; 18 U.S.C. § 1519 -
) Falsification of Record; 18 U.S.C. § 2 - Aiding and
) Abetting

) SAN FRANCISCO VENUE
)

20 INDICTMENT

21 The Grand Jury charges:

22 INTRODUCTORY ALLEGATIONS

23 At all times relevant to this Indictment:

24 1. The San Francisco Police Department ("SFPD") was a duly constituted police agency
25 engaging in law enforcement in San Francisco, California. SFPD officers were authorized by California
26 law to make lawful arrests and conduct legally authorized searches within the City and County of San
27 Francisco.

2. SFPD's Southern Station had jurisdiction over the South of Market district of San Francisco. A team of plainclothes police officers operated as a unit out of Southern Station.

3. Defendants ARSHAD RAZZAK, RICHARD YICK, and RAUL ERIC ELIAS were SFPD officers assigned to the plainclothes unit at Southern Station.

COUNT ONE: (18 U.S.C. § 241 – Conspiracy Against Civil Rights)

4. The factual allegations in Paragraphs 1 through 3 are re-alleged and incorporated as if fully set forth here.

5. Beginning on a date unknown to the grand jury but no later than December 23, 2010, and continuing through at least March 1, 2011, in the Northern District of California, the defendants,

ARSHAD RAZZAK,
RICHARD YICK, and
RAUL ERIC ELIAS,

while acting under color of law, did willfully combine, conspire, and agree with each other to injure, oppress, threaten, and intimidate occupants of single room occupancy ("SRO") hotel rooms in the free exercise and enjoyment of the rights and privileges secured to them by the Constitution and laws of the United States, namely, the right to be free from unreasonable searches and seizures and the right not to be deprived of liberty without due process of law.

MANNER AND MEANS OF THE CONSPIRACY

6. It was a part of the conspiracy that the defendants, in order to secure arrests, detention, and criminal convictions, agreed:

- a. to enter and search SRO hotel rooms without legal cause;
- b. to falsely report and document the circumstances of their entry into the hotel rooms and the basis for entering and searching the rooms; and
- c. to testify falsely at court proceedings concerning the circumstances of their entry into the hotel rooms and the basis for entering and searching the rooms.

All in violation of Title 18, United States Code, Section 241.

//

//

1 COUNT TWO: (18 U.S.C. § 242 and 2 – Deprivation Rights Under Color of Law and Aiding and
2 Abetting)

3 7. The factual allegations in Paragraphs 1 through 3 are re-alleged and incorporated as if
4 fully set forth here.

5 8. On or about December 23, 2010, in the Northern District of California, the defendants,

6 ARSHAD RAZZAK and
7 RICHARD YICK,

8 while acting under color of law, each aiding and abetting the other, did willfully deprive J.R. of a right
9 secured and protected by the Constitution and laws of the United States, specifically the right to be free
10 from unreasonable searches and seizures by those acting under color of law in that RAZZAK and YICK
11 and others entered and searched J.R.'s hotel room without legal justification, in violation of Title 18,
12 United States Code, Sections 242 and 2.

13 COUNT THREE: (18 U.S.C. §§ 242 and 2 – Deprivation of Rights Under Color of Law and Aiding
14 and Abetting)

15 9. The factual allegations in Paragraphs 1 through 3 are re-alleged and incorporated as if
16 fully set forth here.

17 10. On or about January 5, 2011, in the Northern District of California, the defendants,

18 ARSHAD RAZZAK,
19 RICHARD YICK, and
20 RAUL ERIC ELIAS,

21 while acting under color of law, each aiding and abetting the other, did willfully deprive T.G. and D.W.
22 of a right secured and protected by the Constitution and laws of the United States, specifically the right
23 to be free from unreasonable searches and seizures by those acting under color of law, in that RAZZAK,
24 YICK, and ELIAS entered and searched T.G.'s and D.W.'s hotel room without legal justification, in
25 violation of Title 18, United States Code, Sections 242 and 2.

26 COUNT FOUR: (18 U.S.C. §§ 1519 and 2 – Falsification of Record and Aiding and Abetting)

27 11. The factual allegations in Paragraphs 1 through 3 are re-alleged and incorporated as if
28 fully set forth here.

//

1 12. On or about January 19, 2011, in the Northern District of California, the defendants,
2 ARSHAD RAZZAK and
3 RICHARD YICK,
4 each aiding and abetting the other, did knowingly falsify and make a false entry in a record and
5 document, specifically an informant payslip purportedly documenting a payment to SFPD Informant 10-
6 16 for providing information leading to the arrest of C.H. on December 23, 2010, with the intent to
7 impede, obstruct, and influence the investigation and proper administration of a matter within the
8 jurisdiction of the Federal Bureau of Investigation, an agency of the United States, in violation of Title
9 18, United States Code, Sections 1519 and 2.

10 COUNT FIVE: (18 U.S.C. § 1519 – Falsification of Record)

11 13. The factual allegations in Paragraphs 1 through 3 are re-alleged and incorporated as if
12 fully set forth here.

13 14. On or about December 24, 2010, in the Northern District of California, the defendant,
14 ARSHAD RAZZAK,
15 did knowingly falsify and make a false entry in a record and document, specifically SFPD incident
16 report number 101179566, with the intent to impede, obstruct, and influence the investigation and
17 proper administration of a matter within the jurisdiction of the Federal Bureau of Investigation, an
18 agency of the United States, in violation of Title 18, United States Code, Section 1519.

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

1 COUNT SIX: (18 U.S.C. § 1519 – Falsification of Record)

2 15. The factual allegations in Paragraphs 1 through 3 are re-alleged and incorporated as if
3 fully set forth here.

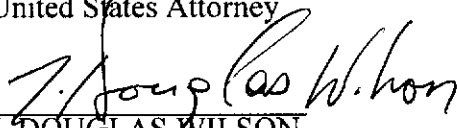
4 16. On or about January 5, 2011, in the Northern District of California, the defendant,
5 RICHARD YICK,
6 did knowingly falsify and make a false entry in a record and document, specifically SFPD incident
7 report number 110015282, with the intent to impede, obstruct, and influence the investigation and
8 proper administration of a matter within the jurisdiction of the Federal Bureau of Investigation, an
9 agency of the United States, in violation of Title 18, United States Code, Section 1519.

10
11 DATED: 2-25-2014

A TRUE BILL.

12
13 
14 FOREPERSON

15 MELINDA HAAG
16 United States Attorney

17 
18 J. DOUGLAS WILSON
19 Chief, Criminal Division

20 (Approved as to form: )
21 AUSAs Caputo, Hemann, and Villazor
22
23
24
25
26
27
28